

16. (Amended) A method for axially removing a printing sleeve over a printing cylinder, the printing cylinder having a work side end and a gear side end and having holes at a work side end and having other holes between the holes at the work side end and the gear side end comprising the steps of:

applying fluid pressure to an inside of a printing sleeve located on a printing cylinder through the holes and through the other holes;

sliding the printing sleeve in a direction of the work side end of the printing cylinder; and

automatically restricting flow through the other holes when the printing sleeve no longer is located over the other holes.

REMARKS

Claims 4, 7 and 16 to 19 were rejected under 35 U.S.C. 112 as being indefinite.

Claims 1 to 19 were rejected under 35 U.S.C. 103 as being unpatentable over Boucher in view of each of Marmin and Kay.

Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. 112

Claims 4, 7 and 16 to 19 were rejected as being unpatentable over 35 U.S.C. 112.

Claims 4, 7 and 16 have now been amended to positively recite the structure of the cylinder with its holes. Dependent claims 17 to 19 are respectfully submitted to now be definite.

Withdrawal of the rejection is respectfully requested.

Prior Art Rejections

Claims 1 to 19 were rejected under 35 U.S.C. 103 as being unpatentable over Boucher in view of each of Marmin and Kay.

It is respectfully submitted, however, that Boucher (U.S. Patent No. 6,347,586) is not prior art under 35 U.S.C. 103 by virtue of the provisions of U.S.C. § 103(c).

According to § 103(c):

[s]ubject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Boucher issued on February 19, 2002 after the filing date of the present application (i.e. January 22, 2001), and therefore is asserted solely as prior art by virtue of 35 U.S.C. § 102(e).

Both the subject matter of Boucher and the claimed invention were, at the time the present invention was made, owned by Heidelberger Druckmaschinen AG. In both the application files of the Boucher patent and the present application, assignments have been executed and recorded in the Patent and Trademark Office in accordance with 37 C.F.R. Part 3 and each of those recorded assignments convey the entire rights in the applications to the same organization, i.e. Heidelberger Druckmaschinen AG. (See, MPEP 706.02(1)(2), Establishing Common Ownership, II. A., which states, in relevant part, that the "necessary showing will be considered by the examiner to be present if the application files refer to assignments which are recorded in the Patent and Trademark Office in accordance with 37 C.F.R. Part 3 as long as the assignments conveyed the entire rights in the applications to the same person or organization.").

The Boucher patent assignment was recorded at Reel 011061/ Frame 0132, and the assignment in the present application at Reel 011690/0618.

Because both Boucher and the present invention were commonly owned at the time the present invention was made, Boucher does not qualify as prior art under 35 U.S.C. § 103.

In view of the fact that Boucher is not 103 prior art to the present application, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By



William C. Gehris

Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736 - 1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope with sufficient postage addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on October 18, 2002.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: Christina Colocotronis
Christina Colocotronis

Re: Application of:
Serial No.:

Vrotacoe
09/767,108

VERSION SHOWING CLAIM CHANGES

4. (Amended) The printing cylinder as recited in claim 1 wherein the cylinder body has a work side end and a gear side end, the outer surface [further has] having a plurality of other holes [at a work side end of the printing cylinder, the at least one hole] located axially between the at least one hole and the work side end [other holes and a gear side end of the printing cylinder].
7. (Amended) The printing cylinder as recited in claim 1 wherein the cylinder body has a work side end and a gear side end, at least one hole [is] being spaced closer to [a] the gear side end than the work side end [of the printing cylinder].
16. (Amended) A method for axially removing a printing sleeve over a printing cylinder, the printing cylinder having a work side end and a gear side end and having holes at a work side end and having other holes between the holes at the work side end and the gear side end comprising the steps of:
 - applying fluid pressure to an inside of a printing sleeve located on a printing cylinder through the holes [at a work side end of the printing cylinder] and through the other holes [between the holes at the work side end and a gear side end of the printing cylinder];
 - sliding the printing sleeve in a direction of the work side end of the printing cylinder; and
 - automatically restricting flow through the other holes when the printing sleeve no longer is located over the other holes.